

From: [Racke, Kenneth \(D\)](#)
To: [Anita Pease/DC/USEPA/US@EPA](#)
Cc: [Melissa Grable/DC/USEPA/US@EPA](#); [Catherine Eiden/DC/USEPA/US@EPA](#)
Subject: RE: EPA Endangered Species Information and Statistics
Date: 05/18/2012 07:43 AM

Anita,

Many thanks for the helpful information. I'll let you know I have further questions.

Best regards,

Ken

Kenneth D. Racke, Ph.D.
Dow AgroSciences
Global Research and Development
9330 Zionsville Road, Bldg 308/2A
Indianapolis, IN 46268 USA
Phone: +1 317 337 4654

From: Anita Pease [<mailto:Pease.Anita@epamail.epa.gov>]
Sent: Thursday, May 17, 2012 7:53 AM
To: Racke, Kenneth (D)
Cc: Melissa Grable; Catherine Eiden
Subject: Re: EPA Endangered Species Information and Statistics

Hi Ken,

Attached are answers to your questions below. Please feel free to contact me if you have further questions or if any of the information I've provided is unclear. Thanks.

Best,
Anita

(See attached file: ES info and stats for Ken Racke_05-17-12.doc)

Anita Pease
Associate Director
Environmental Fate and Effects Division
Office of Pesticide Programs, U.S. EPA
1200 Pennsylvania Ave. NW (7507P)
Washington, DC 20460
Phone: 703-305-0392
Fax: 703-305-6309

"Racke, Kenneth (D)" ---05/09/2012 09:37:07 AM---Anita, I'm providing an introductory chapter concerning pesticide regulatory/ESA considerations for

From: "Racke, Kenneth (D)" <kracke@dow.com>
To: Anita Pease/DC/USEPA/US@EPA
Date: 05/09/2012 09:37 AM

Anita,

I'm providing an introductory chapter concerning pesticide regulatory/ESA considerations for our ACS book. This chapter includes some historical perspectives, and want to ensure I have my information and statistics correct. I also may need to ask next month for a peer review of this chapter. At the moment, the information I seek includes the following:

- Aside from the Intrepid 2F bulletins for WI and MI, are there any other active ESPP bulletins currently posted and referred to from approved labeling? Seems like I saw something recently proposed for a rodenticide (Rozol), but was unsure how many bulletins/counties were involved and whether these have now been finalized.
- Aside from the ESPP program and "Bulletins Live" system announced in 2005, which envision label statements referring users to the website, are there any approved pesticide product labels that include ES-related restrictions directly as part of the label text? Someone mentioned this to me the other day, but I had the impression EPA was trying to avoid handling ES on a label-by-label basis and intended to use ESPP system.
- Under "Registration Review", other than with the draft ecological risk assessments for clomazone and fomesafen (not yet finalized to my knowledge), have any other draft ecological risk assessments been posted for comment that include ES assessments? My impression is that nothing else is available, but thought I'd check.
- Based on the EPA website, it appears that there are some 175 ES effects determination (ED) documents resulting from litigation that have been compiled and for which NMFS or USFWS consultation has been requested. Does this match with numbers you guys are tracking? Unsure if some ED's had perhaps not been posted.
- I understand that, aside from the recent salmon BiOps from NMFS, that under the old ESPP program EPA had received upwards of 100 BiOps from the services (mostly USFWS) in the 1970's to 1980's. I've seen a few of these, but are these publicly available somewhere as a group? Somewhere I've seen a report that they were all released by EPA (perhaps to the environmental groups?), but unsure how to obtain.

I'm looking to compile a first draft of my chapter by end of this month, so any information you might be able to provide before then would be greatly appreciated. Let me know if you require any clarifications, and feel free to forward this request to others in OPP that might have the details (I believe you have picked up the ES coordination role that Arty Williams had previously).

Many thanks!

Ken

Kenneth D. Racke, Ph.D.
Dow AgroSciences
Global Research and Development
9330 Zionsville Road, Bldg 308/2E
Indianapolis, IN 46268 USA
Phone: +1 317 337 4654

Aside from the Intrepid 2F bulletins for WI and MI, are there any other active ESPP bulletins currently posted and referred to from approved labeling? Seems like I saw something recently proposed for a rodenticide (Rozol), but was unsure how many bulletins/counties were involved and whether these have now been finalized.

Response: In addition to the methoxyfenozide Bulletins for WI and MI, we have recently posted an additional 46 ESPP Bulletins for Rozol Prairie Dog Bait. These Bulletins will become enforceable on October 1, 2012 at the start of the Rozol Prairie Dog Bait use season. These 46 county bulletins are for 6 states (Colorado, Kansas, Montana, New Mexico, South Dakota, and Wyoming) and intended to protect 8 listed species. Thirty-one additional county Bulletins will be posted within the next month to reflect implementation of one of the Reasonable and Prudent Measures (RPMs) in the final Rozol Biological Opinion. These additional Bulletins for Rozol will become enforceable on November 26, 2012, during the Rozol Prairie Dog Bait use season.

Aside from the ESPP program and “Bulletins Live” system announced in 2005, which envision label statements referring users to the website, are there any approved pesticide product labels that include ES-related restrictions directly as part of the label text? Someone mentioned this to me the other day, but I had the impression EPA was trying to avoid handling ES on a label-by-label basis and intended to use ESPP system.

Response: Although you are correct that we would prefer to handle ES mitigations using the ESPP system (*i.e.*, Bulletins), there may be situations where ES protection is also required on the label. Currently, there are EPA-approved pesticide product labels that include ESA considerations and related restrictions directly as part of the label text. For example, current gas cartridge product labels include text intended to protect endangered species. Those labels include instructions that specifically prohibit use of the products in specific areas, limit product applications to certain times during the year, and limit use of products under specific circumstances to qualified individuals who have been trained to distinguish dens and burrow of target species from those of non-target species. In addition, the labels for currently registered starlicide products include language intended to protect listed bird species.

Under “Registration Review”, other than with the draft ecological risk assessments for clomazone and fomesafen (not yet finalized to my knowledge), have any other draft ecological risk assessments been posted for comment that include ES assessments? My impression is that nothing else is available, but thought I’d check.

Response: Other than clomazone and fomesafen, no other preliminary ecological risk assessments under the Registration Review program have been posted for public comment.

Based on the EPA website, it appears that there are some 175 ES effects determination (ED) documents resulting from litigation that have been compiled and for which NMFS or

USFWS consultation has been requested. Does this match with numbers you guys are tracking? Unsure if some ED's had perhaps not been posted.

Response: As of May 16, 2012, there are about 177 effects determinations posted on our website that resulted from litigation. EPA has initiated consultation with either FWS and/or NMFS on all effects determinations, with the exception of those for which "no effect" determinations were made.

I understand that, aside from the recent salmon BiOps from NMFS, that under the old ESPP program EPA had received upwards of 100 BiOps from the services (mostly USFWS) in the 1970's to 1980's. I've seen a few of these, but are these publicly available somewhere as a group? Somewhere I've seen a report that they were all released by EPA (perhaps to the environmental groups?), but unsure how to obtain.

Response: EPA received approximately 106 BiOps from the Services dating back to the 1970s and 1980s. These BiOps are not currently available to the public; however, we have received and responded to a FOIA request from Compliance Services International (CSI), where EPA recently provided all available requests and resulting BiOps from 1977 to 1987 to CSI.